

POLICY BRIEF

Women, Poverty, & the Failure of the CNSA

Structural Vulnerabilities and the Human Cost of Gender-Neutral Drug Laws

August 2026

EXECUTIVE SUMMARY

Pakistan's enforcement of the Control of Narcotic Substances Act, 1997 (CNSA) disproportionately impacts women and young girls, particularly those living in poverty, acting under coercion, or occupying low-level roles in drug supply chains. Drug-related offences are known to have a particular and disproportionate impact on women. 35% of women globally are in prison for drug-related offenses compared to 19% of men¹. In Pakistan, as of June 2026, 25,168 individuals are currently imprisoned under the CNSA, representing over 22.31% of Pakistan's total prison population². For women, however, this percentage is more concentrated, with approximately 30% (at least 634 out of 2087) of the female prison population in jail for drug offences.³

The majority of women are undertrial, unrepresented, and driven into the drug economy by economic desperation, debt, intimate partner pressure, or deception. This brief examines the human rights consequences of Pakistan's drug control framework for women and girls.

Drawing on prison data, legal analysis, and first-hand testimonies from women detained under the CNSA, it highlights how gender-neutral drug laws produce gendered harms, including disproportionate pre-trial detention, ineffective legal representation, coercive and low-level involvement, disruption of caregiving roles, and inadequate access to healthcare, rehabilitation and social reintegration. While the removal of the death penalty for drug offences in 2023 was an important reform, the continued reliance on punitive enforcement and sentencing practices underscores the need for urgent, evidence-based, and gender-responsive reform.



¹ https://www.prisonpolicy.org/graphs/jpie2025_drugs.html

² These figures are based on data reported up until June 2026, shared with JPP by provincial prison authorities.

³ These figures are based on data reported over a period of two years 2024-2026, shared with JPP by provincial prison authorities.

Legal Framework: Where the Law Falls Short

The 2022 amendment of the CNSA⁴ has deepened the law's punitive impact. Section 49-A allows remand for up to 90 days without requiring judges to record written reasons, increasing the risk of prolonged and arbitrary detention.

The amendment also bars probation and parole for CNSA convicts, particularly male offenders, and restricts sentence remissions, removing the very mechanisms that could provide relief to low-level, first-time, or coerced offenders.

The Punjab Control of Narcotics Substances (Amendment) Ordinance 2025 further narrows access to bail by limiting judicial discretion for offences punishable by life imprisonment and imposing stricter financial surety requirements.⁵

Parallel provincial frameworks have largely reproduced this punitive logic. Khyber Pakhtunkhwa continues to retain the death penalty for certain drug offences, despite its abolition under the federal CNSA.⁶ Punjab and Sindh restrict bail for serious narcotics offences, while Punjab and Balochistan also limit remission, probation, and parole, with only narrow discretionary exceptions for women and juveniles.

These provisions sit uneasily with the ***International Guidelines on Human Rights and Drug Policy***, which require proportionate sentencing, protection against arbitrary detention, and alternatives to conviction and incarceration for low-level drug offences.⁷

They also fall short of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), which require gender-sensitive justice responses that account for women's pathways into offending, caregiving responsibilities, and histories of victimization.

Pathways to Criminalisation: Case Study Evidence

Research consistently demonstrates that women involved in drug-related offences tend to occupy the lowest and most exposed positions in drug supply chains as low-volume sellers, while bearing maximum risk for minimal financial gain. Interviews conducted by Justice Project Pakistan (JPP) with women and girls incarcerated under the CNSA at Adiala Jail, Rawalpindi, reveal that women's involvement in drug-related offences is frequently shaped by overlapping forms of structural vulnerability rather than autonomous or high-level participation in drug markets.

The findings of these interviews showcased recurring patterns of economic precarity, caregiving responsibility, coercion, deception, ineffective legal representation, and procedural abuse. Their cases do not point to isolated instances of committing crimes, but to a broader pattern in which punitive drug enforcement captures women who are socially and economically exposed, while failing to distinguish between high-level trafficking and low-level involvement.

Economic vulnerability and debt: S., a 16-year-old mother from Peshawar, was arrested at Islamabad International Airport alongside her husband after ingesting narcotics-filled capsules intended for transport to Dubai. The couple had agreed to the arrangement after their two-month-old son fell ill and they could not afford his treatment; a creditor who had previously lent the family PKR 100,000 offered to clear the debt and provide additional payment in exchange for carrying the drugs. Following their arrest, both were hospitalised for the removal of the capsules before being transferred to prison. At the time of interview,

4 The Control of Narcotics Substances (Amendment) Act 2022, https://senate.gov.pk/uploads/documents/1663142723_815.pdf

5 The Punjab Control of Narcotic Substances Act 2025 (Act LXIV of 2025) <https://punjablaws.gov.pk/laws/2962.html>

6 The Khyber Pakhtunkhwa Control of Narcotic Substances (Amendment) Act 2025 <https://www.pakp.gov.pk/act/the-khyber-pakhtunkhwa-control-of-narcotic-substances-amendment-act-2025>

7 United Nations Development Programme (UNDP), International Guidelines on Human Rights and Drug Policy (14 March 2019) <https://www.undp.org/publications/international-guidelines-human-rights-and-drug-policy>

S. remained detained with her infant son in Adiala Jail, where she reported receiving only one diaper per day, while their state-appointed lawyer had failed to appear at any hearing.

Deception and retaliatory criminalisation: R., a 25-year-old divorced mother of three, was working as a cook and earning minimum wage when she agreed to transport drugs to pay for the custody battle of her young children, who remained with her former husband after their divorce. According to her account, the man who recruited her later proposed marriage and, when she refused, she believed he reported her to the police out of spite. More than a year after being detained, R. remained undertrial and uncertain about the progress of her case. She had spent 13 months in detention without a single family visit and no information of her children's well-being.

Coercion by a spouse and lack of agency: U., a 40-year-old mother of two from Sheikhpura, reported that she was arrested after accompanying a man at her husband's insistence during a period of severe financial hardship. The narcotics were found by the police in the companion's bag, and she had little control over the circumstances that led to her arrest. Following her detention, her husband gradually withdrew support, ceased contact, threatened divorce, and cut off her access to their daughters. At the time of interview, she had spent 17 months in detention without legal representation and was suffering from untreated uterine fibroids, chronic pain, dizziness, recurrent fevers, and episodes of vision loss, yet had received no specialist medical assessment. Her case illustrates how spousal coercion, economic dependence, and inadequate healthcare can combine to place women at heightened risk of both criminalisation and harm in detention.

Conditions of Detention; Compounding the Harm

Pakistan's prisons, operating at 163.8% of their official capacity, have a predominantly male population, with 1,550 female inmates making up 1.85% of the total prison population in 2024. Currently, of the total women imprisoned for drug offences across Pakistan, **550 are held in Punjab, 34 in Khyber Pakhtunkhwa, 25 in Sindh, 22 in Azad Jammu & Kashmir, and 25 in Balochistan.**⁸ The CNSA's gender-neutral but impact-blind provisions fail to account for caregiving responsibilities, histories of abuse, and structural inequality, resulting in disproportionate and discriminatory outcomes for women.

Pre-trial detention and restrictive sentencing under the CNSA disproportionately impact women who are less likely to access bail or legal resources. 76.64% of the prison population of Pakistan remain under trial, reflecting systemic delays and limited access to bail.⁹ Moreover, approximately 27% of women are detained away from their home districts,¹⁰ contrary to Bangkok Rule 4, which requires women prisoners to be placed close to their families and communities wherever possible.

Drug offences are a major driver of this trend, with the 2022 legislative amendment directly contributing to rising incarceration. CNSA-related imprisonment increased by 18.98%, from 19,636 individuals in 2023 to 23,367 in 2024, further exacerbating prison overcrowding and pre-trial detention.¹¹ Punjab accounts for the largest share of narcotics-related incarcerations, with 13,331 prisoners (29.94% of its prison population). In Punjab, convictions under the CNSA dropped from 16% in 2022 to just 2% in 2023, meaning that the vast majority of those detained under drug laws are ultimately not found guilty.¹²

⁸ Data on file with JPP, shared by provincial prison authorities. Data for Punjab, Sindh, and Khyber Pakhtunkhwa is from January 2026; data for Balochistan is from January 2025.

⁹ These figures are based on data shared with JPP by provincial prison authorities in 2026.

¹⁰ Ministry of Human Rights, Government of Pakistan, Plight of Women in Pakistan's Prisons: Report. Available here: https://mohr.gov.pk/SiteImage/Misc/Files/Prison%20Report_acknowledgment.pdf (MOHR Report)

¹¹ The Inspector General of Punjab Prisons reported a 12,000-person spike in the prison population within three months of the amendment's enactment. Justice Project Pakistan, Post Event Report: Reimagining Justice: Public Health and Human Rights Policy (Apr. 2024), jpp.org.pk/reimagining-justice-public-health-human-rights-centered-drug-policy/

¹² Justice Project Pakistan, Post Event Report: Reimagining Justice: Public Health and Human Rights Policy (Apr. 2024), <https://www.jpp.org.pk/reimagining-justice-public-health-human-rights-centered-drug-policy>

Emerging Good Practices in Pakistan

- The Federal Judicial Academy, in collaboration with the International Centre on Human Rights and Drug Policy (University of Essex), the Office of the UN High Commissioner for Human Rights (OHCHR) and JPP, has launched and adopted as a part of its curriculum, an e-course on the International Guidelines on Human Rights and Drug Policy. The course strengthened judicial capacity on proportionate sentencing, diversion, alternatives to incarceration, and the rights of vulnerable groups, including women.¹³
- The Legal Aid & Justice Authority (LAJA) has piloted a Digital Legal Aid Initiative at Adiala Jail, Rawalpindi, providing free, gender-sensitive representation to undertrial women charged under the Control of Narcotic Substances Act. The pilot assigns counsel, integrates digital case registration and detention monitoring, and is designed for national replication.
- At the 69th Commission on Narcotic Drugs, the Government of Pakistan co-sponsored a side event on abolition of the death penalty for drug offences, organised by Harm Reduction International and Amnesty International. This marked Pakistan's first co-sponsored human rights-based side event on the death penalty at a United Nations forum and signalled continued engagement on proportionate and gender-responsive drug policy reform.

Key Recommendations

- ◆ **Amend the Control of Narcotics Substances Act 1997** to remove mandatory minimum sentences, restore judicial discretion, and legally distinguish between personal use and trafficking.
- ◆ **Introduce diversion mechanisms** requiring law enforcement and prosecutors to refer women involved in low-level or first-time drug offences to voluntary, evidence-based treatment and social support services instead of prosecution.
- ◆ **Prioritize non-custodial measures for women**, including bail, probation, and community-based sentencing, particularly for primary caregivers, in line with the Bangkok Rules.
- ◆ **Reform bail frameworks** to eliminate financial surety requirements that disproportionately exclude women, and mandate bail for non-violent drug offences.
- ◆ **Adopt gender-responsive sentencing guidelines** requiring courts to consider coercion, economic vulnerability, caregiving responsibilities, and histories of abuse as mitigating factors.
- ◆ **Align national drug policy with international standards**, including the UNGASS 2016 Outcome Document, Bangkok Rules, and the International Guidelines on Human Rights and Drug Policy.

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JPP IS A LEGAL ACTION NON-GOVERNMENTAL ORGANIZATION THAT REPRESENTS THE MOST VULNERABLE PAKISTANI PRISONERS FACING THE HARSHTEST PUNISHMENTS AT HOME AND ABROAD.

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¹³ Prevention of Torture: Training Manual for Public Officials (2025), accompanied by an e-course available at: https://e-course.jpp.org.pk/login/?redirect_to=https%3A%2F%2Fe-course.jpp.org.pk%2F

